

**SAN ANTONIO ZONING COMMISSION
OFFICIAL MINUTES
April 20, 2010**

1. The Zoning Commission of the City of San Antonio met in the 1st Floor, Board Room of the Cliff Morton Development and Business Services Center at 1901 S. Alamo.

1:00 PM – Public Hearing

2. Roll Call.

PRESENT: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava
ABSENT: Wright, Kelley, Christian

3. Approval of April 6, 2010 Zoning Commission Minutes.

COMBINED HEARING:

4. **ZONING CASE NUMBER Z2010079 S (Council District 6):** A request for a change in zoning from "C-3R" General Commercial Restrictive Sales District to "C-3R S" General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for a Pay Day Loan Agency on 0 .471 of an acre out of Parcel 22, NCB 15098, 10100 Block of Culebra Road. Staff recommends approval.

Staff stated there were 19 notices mailed out to the surrounding property owners, 1 returned in opposition and 2 returned in favor and no response from Hidden Meadow Community. Staff mailed 62 notices to the Planning Team. Staff also received 3 emails expressing opposition.

COMMISSION ACTION

The motion was made by Commissioner McFarland seconded by Commissioner Myers to recommend approval.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava
NAY: None

THE MOTION CARRIED

5. **ZONING CASE NUMBER Z2010083 CD (Council District 7):** A request for a change in zoning from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Veterinary Hospital - Small Animals (No outside Runs, Pens and Paddocks permitted) on 0.922 acres out of NCB 14113, 5739 Callaghan Road. Staff recommends approval.

Staff stated there were 18 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Rolling Ridge Club Association.

COMMISSION ACTION

The motion was made by Commissioner McFarland seconded by Commissioner Myers to recommend approval.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava

NAY: None

THE MOTION CARRIED

6. ZONING CASE NUMBER Z2010084 (Council District 10): A request for a change in zoning from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "QD AHOD" Quarry Airport Hazard Overlay District on 26.358 acres out of NCB 15683 on a portion of 12065 Bulverde Road. Staff recommends approval.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Oak Grove Estates Neighborhood Association.

COMMISSION ACTION

The motion was made by Commissioner McFarland seconded by Commissioner Myers to recommend approval.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava

NAY: None

THE MOTION CARRIED

7. ZONING CASE NUMBER Z2010087 (Council District 7): A request for a change in zoning from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 0.874 of an acre out of Lot 3, Block 1, NCB 13300, 4918, 4920, 4922, and 4924 Fredericksburg Road. Staff recommends approval.

Staff stated there were 5 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Oak Hills Citizens Association.

COMMISSION ACTION

The motion was made by Commissioner McFarland seconded by Commissioner Myers to recommend approval.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava

NAY: None

THE MOTION CARRIED

INDIVIDUAL CONSIDERATION:

8. ZONING CASE NUMBER Z2010081 S (Council District 10): A request for a change in zoning from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 S AHOD" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Pay Day Loan Agency on Lots 11 and 12, NCB 13740, 3119 and 3123 Thousand Oaks. Staff recommends approval.

Melissa Huffman, representative, stated the purpose of this zoning request is to allow for a pay day loan facility. She stated they are currently in operation approximately a block away and their intent is to relocate the subject property. She has reached out to Eden Homeowner's Association, Preston Hollow, Oak Hollow and North Central Thousand Oaks Homeowner's Association and only received a response from Preston Hollow, Oak Hollow and North Central Thousand Oaks Homeowner's Association regarding a meeting to present their proposal and address any and all concerns they may have. She stated Oak Hollow and North Central Thousand Oaks Homeowner's Association did not have opposition to the proposed zoning change. She has been in contact with a representative Eden's Homeowner's Association and they did not request to meet however, she has been informed of their opposition and would like to request a continuance to meet with them and address all concerns they may have.

The following citizen(s) appeared to speak:

Don Gadberry, stated he is in opposition of both the rezoning request and the continuance. He stated they were granted a continuance on April 6, 2010 public hearing to meet with the surrounding property owners. He stated this facility would have a negative impact on the neighborhood.

Sharon Parry, stated she would like to withdraw her support for a continuance. She stated she strongly opposes this request. She expressed concerns for the children's safety that travel through this area going to and coming from school and feels the proposed pawn shop selling firearms would pose a threat to the children's safety. She stated their neighborhood is family oriented and very diverse and would like to maintain their neighborhood.

Mike Gallagher, President of District 10 Neighborhood Alliance and Northern Hill Neighborhood Association, stated they do not support this zoning request or a continuance. He feels this business would deteriorate the neighborhood.

Rachel Morse, stated she is spoke in opposition. She stated she has collected a petition with 410 signatures expressing opposition. She expressed concerns for the safety for the children that walk thru this area to get to and from school.

Sally Bolster, stated she strongly opposes this request. She stated that their homeowner's association was not informed of such proposed rezoning as they were informed by Eden's Homeowner's Association which she finds very disturbing as their subdivisions is directly across the street from the subject property. She also expressed concerns with the negative impact this facility would have on their property values.

Nancy Urwin, stated she is in opposition of this request. She expressed concerns with the increase in traffic this proposed facility would bring into the neighborhood as well as the safety for the children that travel thru this area to get to and from school. She stated she has collected a petition expressing their opposition. She further stated there are several existing cash facilities in the community. She stated they would like to see mores businesses that serve their needs.

Debra Elizondo, representing Preston Hollow Subdivision, stated she was not notified of such zoning change. She stated they have walked their subdivision and collected a petition expressing their opposition. She also expressed concerns with their property values being negatively affected.

Kathleen Clark, stated she strongly opposes this request. She stated there are a few pay day loan establishments that are currently in operation and they dos not need another pay day loan facility in their neighborhood. She further stated their homeowner's association was not notified of the proposed rezoning.

Kimberly Shrum, stated she would also like to express her opposition. She stated this business is just not welcome into their neighborhood. She feels such establishments would deteriorate the neighborhood as well as decrease their property values.

Naomi Filippone, stated she is in opposition. She expressed concerns with increase in traffic this facility would bring into the neighborhood. She also expressed concerns with safety of the students that attend the nearby elementary and high schools.

Jason Williamson, stated he is in opposition and would like to express the same concerns regarding increase in traffic and safety

Lydia Anderson, stated she is in opposition as she feels this establishment would negatively affect their property values.

Tanya Juarez, stated she is in opposition. She expressed concerns with the increase in traffic and possible increase in crime in the neighborhood.

Debra Attencio, spoke in opposition. She stated this neighborhood is upscale for such establishment. She expressed concerns with the negative impact on their property values.

George Mayes, stated he strongly opposes this request. He stated this type of establishment have a negative impact to their upscale neighborhood.

Staff stated there were 27 notices mailed out to the surrounding property owners, 3 returned in opposition and 0 returned in favor and Eden Homeowners Association is in support of a continuance. Staff received numerous responses from outside the 200-foot notification boundary who were either oppose to the request or were seeking a continuance on this case.

COMMISSION ACTION

The motion was made by Commissioner McFarland seconded by Commissioner Cole to recommend denial.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Nava
NAY: Martinez

THE MOTION CARRIED

9. ZONING CASE NUMBER Z2010050 (Council District 8): A request for a change in zoning from "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District and "R-20 MLOD-1" Residential Single-Family Military Lighting Overlay District to "I-2 MLOD-1" Heavy Industrial Military Lighting Overlay District on Lots 18, 19, 20, 21, 22, 23, 24, 50, 51, the north irregular 110.6 feet of 17 and the east 16 feet of 25, NCB 35733, 21120, 21105 Milsa Drive and 7193 Heuermann Road. Staff recommends denial.

Jerry Arredondo, representative, stated he would like to request a two week continuance.

Staff stated there were 13 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and no response from Friends of Friedrich Wilderness Park.

COMMISSION ACTION

The motion was made by Commissioner McFarland seconded by Commissioner Martinez to recommend a continuance until May 4, 2010.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava
NAY: None

THE MOTION CARRIED

10. ZONING CASE NUMBER Z2010088 (Council District 8): A request for a change in zoning from "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District to "MF-18 MLOD-1" Multi-Family Military Lighting Overlay District on 12.80 acres out of NCB 14890, 5600 and 5800 Block of UTSA Boulevard. Staff recommends approval.

Manuel Pelaez, representative, stated He stated they have meet with a few of the surrounding property owners and Council staff therefore he would like to request a continuance to have more time to address their concerns.

The following citizen(s) appeared to speak:

Kani Nichols, stated this property has been presented before Commission once before however the applicant later withdrew their request. She stated as before the surrounding property owners are still in opposition of the proposed multi family development. She stated there are approximately 30 apartment complexes in the neighborhood that are within a 200 mile radius of UTSA. She further stated there is an existing traffic issue in this area and allowing another multi family development would diffidently increase traffic.

Staff stated there were 3 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Regency Meadow Association.

COMMISSION ACTION

The motion was made by Commissioner Nava seconded by Commissioner Martinez to recommend a continuance until May 4. 2010.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava

NAY: None

THE MOTION CARRIED

11. ZONING CASE NUMBER Z2010059 S (Council District 5): A request for a change in zoning from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "C-3 S AHOD" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Pay Day Loan Agency on 2,103 square feet out of Lot 2, Block 6, NCB 9039, 3606 South Zarzamora Street. Staff recommends denial.

Cassandra Ortiz, representative, stated the purpose of this request is to allow for an auto title business on the subject property.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Quintana Community Neighborhood Association. Staff mailed 32 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Valadez seconded by Commissioner Cole to recommend denial.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Nava

NAY: ~~Martinez~~

THE MOTION CARRIED

12. ZONING CASE NUMBER Z2010078 CD (Council District 5): A request for a change in zoning from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Bar/Tavern on Lots 8, 9, 10, 11 and 12, Block 1, NCB 6679, 2007 Frio City Road. Staff recommends approval.

Russell Felan, representative, stated the purpose of this request is to allow for a bar/tavern. He stated he has met with Councilman Medina and has been in contact with the surrounding property owner and addressed any concerns they had.

Staff stated there were 27 notices mailed out to the surrounding property owners, 5 returned in opposition and 1 returned in favor and Quintana Community Neighborhood Association is in opposition. Staff mailed 53 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Valadez seconded by Commissioner Cole to recommend denial.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava

NAY: None

THE MOTION CARRIED

13. ZONING CASE NUMBER Z2010051 (Council District 2): A request for a change in zoning from "R-4" Residential Single-Family District to "C-2" Commercial District on Lots 13, 14, 15, 23, 24, 25, 26, 28, Block 28, NCB 10329, 1815 and 1835 Hammond. Staff recommends denial.

Applicant/Representative not present.

Staff stated there were 44 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Artesia Community Guild. Staff mailed 27 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Cole seconded by Commissioner Anguiano to recommend denial.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Nava

NAY: None

THE MOTION CARRIED

14. **ZONING CASE NUMBER Z2010055 (Council District 3):** A request for a change in zoning from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District on Lots 6 and 7, save and except a portion conveyed to the City of San Antonio recorded in Volume 3341, Page 462, Deed Records of Bexar County, Block 1, NCB 3381, 2011 Probandt Street. Staff recommends approval.

(Son translated for her)

Yolanda Rodriguez, owner, stated the purpose of this request is to allow for a beauty salon on the subject property. She stated the surrounding uses adjacent to her property are zoned commercial use.

The following citizen(s) appeared to speak:

Rolando Alvarez, stated he is in support of this request. He does not feel her beauty salon would pose a threat to the neighborhood.

Joan Araujo, spoke in opposition. She expressed concerns with the commercial uses encroaching onto their residential neighborhood. She stated there are existing traffic issues and feels Mrs. Rodriguez's proposal would only increase the traffic. She expressed concerns for the safety for the children from the near by school.

Staff stated there were 29 notices mailed out to the surrounding property owners, 5 returned in opposition and 2 returned in favor and no response from Lone Star Neighborhood Association. Staff mailed 84 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Anguiano seconded by Commissioner Martinez to recommend approval.

AYES: Tiller, McFarland, Valadez, Cole, Myers, Anguiano, Martinez, Nava

NAY: None

THE MOTION CARRIED

15. **ZONING CASE NUMBER Z2010056 S (Council District 2):** A request for a change in zoning from "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-3NA S AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for Truck Repair and Maintenance on Lots 21 and 22, Block 2, NCB 12869, 801 Stutts Drive. Staff recommends approval with conditions.

Alondra Molina, owner, stated the purpose of this request is to allow for a truck service facility on the subject property. She stated they have met with the Commissioner Cole and the surrounding property owners to address their concerns. She further stated she has walked the neighborhood to visit with the citizens that were unable to attend the meeting and has collected a petition express support.

The following citizen(s) appeared to speak:

Mrs. Cantu, owner, stated she support this zoning request. She stated this is a family operated business. She further stated they held a meeting and invited the surrounding property owners as well as the neighborhood association to further discuss their proposal and address any concerns they had.

Carlos Molina, owner, stated attend the meeting and addressed the citizens concerns however the major of the issues that were brought up were all on the other existing businesses. As stated by Mrs. Cantu, this is a family onward business and they have maintained the property by removing graffiti as well as maintain the lawn. He stated their intent is to be a good neighbor and is willing to continue to work with the surrounding neighbors.

Edgar Cantu, owner, stated he does not feel this propose truck facility would pose a threat to the community and the surrounding uses are commercial.

Sylvia Elguezabal, representatives from Eastgate Neighborhood Association, stated she they are in opposition of this request. She stated she attended the neighborhood meeting as stated by Mrs. Cantu and did express their opposition. She does not feel the meeting was a success as the surrounding neighbors are still in opposition. She expressed concerns with continuous street damages that the 18-wheelers that travel to and from Cantu Trucking.

Jerelyne Williams, stated she is in opposition of this zoning change. She expressed concerns with how their neighborhood has deteriorated. She stated their neighborhood association intent is to protect, preserved and beautify the community. She feels this trucking facility would have a negative impact on the community as well as their property values.

Matthew Timberlake, stated he strongly opposes the trucking facility. He stated this area needed to be evaluated as there are numerous business that are not in compliance. He expressed concerns with his property values being affected.

Staff stated there were 16 notices mailed out to the surrounding property owners, 1 returned in opposition and 3 returned in favor and Eastgate Neighborhood Association is in opposition. Staff mailed 36 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Cole seconded by Commissioner Myers to recommend denial.

AYES: Tiller, McFarland, Cole, Myers, Anguiano

NAY: Valadez, Martinez, Nava

THE MOTION FAILED

No other motion was made therefore this case will move forward to City Council with a denial as per the applicant's request.

16. ZONING CASE NUMBER Z2010058 S (Council District 3): A request for a change in zoning from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "NC S AHOD" Neighborhood Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Bar/Tavern on Lot 13, Block 62, NCB 3330, 2205 South Gevers Street. Staff recommends approval of "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District and denial of the Specific Use Authorization for a Bar/Tavern.

Eddie Caldera, owner, stated he is requesting this change in zoning to allow for a bar and grill. He stated he has visited the surrounding neighbor and has collected a petition expressing their support.

The following citizen(s) appeared to speak:

Helen Dutmer, spoke in opposition. She stated such facility would have a negative impact on the community. She expressed concerns with the vandalism, drug and gang activity this facility would bring into the neighborhood.

Tom Wetzler, Vice President of Highland Park Neighborhood Association stated they strongly oppose this zoning request. He would like to maintain their family friendly residential character neighborhood and such facility would jeopardize their family friendly environment.

Albert Lopez, stated he does not support this request. He stated he would like to revitalize the community. He stated such facility would only have a negative impact on the neighborhood.

Louis Boening, stated he is also in opposition. He does not support alcohol establishments in the neighborhood, as this would only encourage drug and gang activity. He expressed concerns with the vandalism, trash, light and noise pollution this facility would bring into the neighborhood. He also expressed concerns with parking, as the subject property does not have adequate parking.

Commissioner Myers left at 3:32.

Staff stated there were 30 notices mailed out to the surrounding property owners, 2 returned in opposition and 1 returned in favor and Highland Park Neighborhood Association is in opposition. Staff mailed 95 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Anguiano seconded by Commissioner Martinez to recommend approval of "NC" Neighborhood Commercial District but denial of "S" Specific Use Authorization for a bar/tavern.

AYES: Tiller, McFarland, Valadez, Cole, Anguiano, Martinez, Nava

NAY: None

THE MOTION CARRIED

17. ZONING CASE NUMBER Z2010060 CD (Council District 2): A request for a change in zoning from "H C-2 AHOD" Commercial Dignowity Hill Historic Airport Hazard Overlay District to "H C-2 CD AHOD" Commercial Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Funeral Home on Lots 17 and 18, Block 17, NCB 569, 1533 East Houston Street. Staff recommends approval.

William Hardy, applicant, stated he is proposing to operate a funeral home on the subject property.

The following citizen(s) appeared to speak:

Karen Kelley, stated she is neither in favor or opposition however she would like clarity as to what this process is.

Staff stated there were 41 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor and no response from Dignowity Hill Neighborhood Association. Staff mailed 25 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Cole seconded by Commissioner Martinez to recommend denial.

Commissioner Martinez withdrew his motion.

A motion was made by Commissioner Cole and seconded by Commissioner Anguiano to recommend denial.

AYES: Tiller, Valadez, Cole, Anguiano,

NAY: Martinez, Nava

THE MOTION FAILED

18. ZONING CASE NUMBER Z2010086 (Council District 8): A request for a change in zoning from "R-20 GC-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Military Lighting Overlay District to "C-2 GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Military Lighting Overlay District on 2.432 acres out of NCB 35733, 21650 Milsa Drive. Staff recommends denial of "C-2" Commercial District with an alternate recommendation of approval of "C-1" Light Commercial District.

Karen Little, owner, stated she is requesting this change in zoning to allow for a photography studio for outdoor lessons. She stated she is in agreement with staff's alternate recommendation and would like to amend her request to "C-1".

Staff stated there were 9 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Friends of Friedrich Wilderness Park.

COMMISSION ACTION

The motion was made by Commissioner Anguiano seconded by Commissioner Cole to recommend approval of "C-1".

AYES: Tiller, Valadez, Cole, Anguiano, Martinez, Nava

NAY: None

THE MOTION CARRIED

19. Public hearing and consideration of amendments to Chapter 28 of the City Code related to on-premises digital signs.

Commissioner Martinez was recused from this item therefore this item was pulled due to lack of quorum.

20. Public hearing and consideration of amendments to Chapter 35 of the City Code to establish an Airport Zoning District.

Andrew Spurgin, Planning Manager, presented item.

COMMISSION ACTION

The motion was made by Commissioner Martinez seconded by Commissioner Cole to recommend approval.

AYES: Tiller, Valadez, Cole, Anguiano, Martinez, Nava
NAY: None

THE MOTION CARRIED

21. Public hearing and consideration of proposed recommendations from the Historic Preservation Strategic Plan including amendments to Chapter 35 of the Municipal Code, Unified Development Code, regarding changes to various articles including Article I, Purpose and Scope; Article III, Zoning; Article IV, Procedures; Article VI, Historic Preservation and Urban Design; Article VIII, Administrative Agencies; and Appendices A, B and C.

Chris Looney, Interim Asst. Director, stated this item has been postponed until the next Zoning Commission Agenda.

22. Discussion and possible action regarding potential Zoning Commission proposed amendments to the Unified Development Code that would be included in the bi-ennial update program.

Chris Looney, Interim Asst. Director, presented the proposed 5 amendments.

COMMISSION ACTION

The motion was made by Commissioner Martinez seconded by Commissioner Nava to recommend approval of all items as presented.

AYES: Tiller, Valadez, Cole, Anguiano, Martinez, Nava
NAY: None

THE MOTION CARRIED

23. Director's Report: Update on proposed Camp Bullis Sound Attenuation Overlay District.

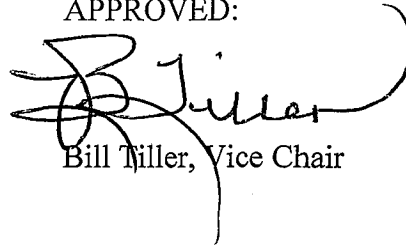
This item has been moved to the next Zoning Commission Agenda.

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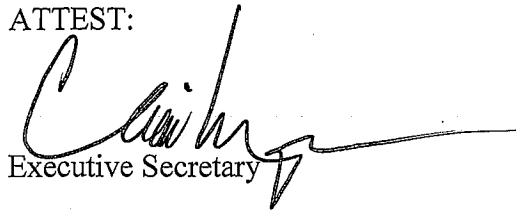
24. There being no further business, the meeting was adjourned at 4:55 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Bill Tiller", with a large, sweeping flourish extending from the end of the signature.

Bill Tiller, Vice Chair

ATTEST:

A handwritten signature in black ink, appearing to read "C. Smith", with a long, horizontal flourish extending from the end of the signature.

Executive Secretary